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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

5 Attorneys for Plaintiff
6 GABRIEL AMARO

BY: _____

7
8 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

9
10 GABRIEL AMARO, an individual,

CV 12-06735 VBK
Case No. 12-06735

11
12 Plaintiff,

Assigned to the Honorable:

13 vs.

COMPLAINT FOR DAMAGES

14 THE CITY OF SAN BUENAVENTURA,
15 THE SAN BUENAVENTURA POLICE
16 DEPARTMENT, OFFICER ERIC JACKSON,
AND DOES 1-10, Inclusive.

1. VIOLATION OF CIVIL RIGHTS
(42 U.S.C. § 1983, 4th and 14th Am.)
2. VIOLATION OF CIVIL RIGHTS
(Monell and City of Canton)
3. BATTERY
4. NEGLIGENCE
5. NEGLIGENT HIRING
6. VIOLATION OF CCP § 52.1

17 Defendants.

18
19 DEMAND FOR JURY TRIAL

20
21 Now comes Plaintiff, Gabriel Amaro, who alleges the following:

22 **JURISDICTION AND VENUE**

23 1. This is a complaint for money damages by plaintiff arising under 42 U.S.C. §§ 1983 and
24 1988. Plaintiff seeks redress for deprivation of his rights, privileges and immunities secured by
25 the Fourth and Fourteenth Amendments to the United States Constitution and by the laws and
26 Constitution of the State of California.

27 2. Subject matter jurisdiction for this action is conferred upon this Court pursuant to 28
28 U.S.C. §§1331 (federal question) and 1343(3) (civil rights) as the cause of action arises under 42

1 U.S.C. §1983. The state law claims for relief are within the supplemental jurisdiction of the
2 Court pursuant to 28 U.S.C. §1367.

3 3. The acts complained of arose in the Central District of California. Therefore, venue
4 properly lies here pursuant to 28 U.S.C. §1391. Venue in this Court is also proper pursuant to 28
5 U.S.C. §1391(b)(1) in that one or more defendants reside in or has its principal place of business
6 in the Central District of California.

7 **PARTIES**

8 4. Plaintiff, Gabriel Amaro, at all times material herein, was an adult citizen residing in
9 Ventura County, California within the jurisdiction of the United States District Court, Central
10 District of California.

11 5. At all times material herein, defendant City of San Buenaventura, (hereinafter "CITY"),
12 was a governmental entity incorporated in 1933 as a charter city duly organized under the laws
13 of the County of Ventura and the State of California. CITY is located in the Central District of
14 California.

15 6. At all times material herein, defendant Ventura Police Department ("VPD") was a public
16 entity responsible for providing law enforcement for defendant CITY, including hiring,
17 supervising, training, and managing local police officers.

18 7. At all times mentioned herein, defendant VPD was responsible for overseeing the
19 operation, management, and supervision of its personnel and is liable for the negligent and
20 reckless acts of all employees, personnel, and entities.

21 8. In committing the acts and/or omissions alleged herein, all defendants acted under color
22 of authority and/or color of law.

23 9. At all times material herein, defendant VPD Officer Eric Jackson ("JACKSON") was an
24 adult citizen residing in the Central District of California and acting as a duly appointed police
25 officer employed by defendant CITY. He is being sued individually and in his official capacity
26 as a police officer for CITY.

27 10. Upon information and belief, defendants DOES 1-10 were each responsible in some
28 manner for the injuries and damages alleged herein. The true names and identities of defendants

DOES 1-10 are presently unknown to Plaintiff. Upon information and belief, at all relevant times herein defendant DOES 1-10 were employees and/or agents of the VPD, acting at all relevant times within the scope of their employment with VPD. Plaintiff will amend this Complaint to allege their true names and capacities when they are ascertained. Plaintiff is informed and believes, and based thereon alleges, that each defendant DOE herein is in some manner responsible for the injuries and damages suffered by Plaintiff.

GENERAL ALLEGATIONS

11. This action is brought under Title 42 U.S.C. §§1983, 1988, and the First, Fourth, and Fourteenth Amendments of the United States Constitution and pursuant to the general laws of the United States. Plaintiff alleges that he was severely beaten by defendant JACKSON without previous command or warning, without regard to standard police procedures, and at a time when he did not pose an immediate threat to defendant JACKSON. At the time of the beating, defendant JACKSON was acting in the course and scope of his employment as a police officer acting under color of law.

12. At all times material herein, defendants DOES 1-10, inclusive, were the immediate supervisor, intermediate supervisor(s) and/or the training officers for defendant JACKSON. DOES 1-10, inclusive, are being sued in their individual capacities, and at the time of the acts complained, were each duly appointed and acting officers employed as such by defendants CITY and VPD, and at the time of the acts hereinafter complained of, each said defendant was acting in the course and scope of such employment and acting under color of law, by promulgating policies and procedures pursuant to which the unlawful conduct occurred.

13. DOES 1 through 10, inclusive were at all times responsible for the hiring, training, supervision, and discipline of the individual officer defendant and were responsible for violation of Plaintiff's rights by failing and refusing, with deliberate indifference to Plaintiff, to intervene to stop the unlawful conduct, and by ratifying the conduct that occurred by agents and officers under their direction and control.

1 14. Plaintiff is informed and believes that each defendant sued herein was responsible in
2 some manner for the events as hereinafter described, and proximately caused injuries and
3 damages to Plaintiff.

4 **STATEMENT OF FACTS**

5 15. On or about August 8, 2010, at or around 211 E. Santa Clara Street, Ventura, California,
6 Plaintiff was severely beaten by JACKSON without previous command or warning and without
7 regard to standard police procedures.

8 16. On or about August 8, 2010, at approximately 10:00 p.m. Plaintiff, friends, and several
9 family members went to the Candlelight Kitchen and Bar in the city of Ventura to have a "going
10 away party." Plaintiff had recently been accepted to the PhD program at Texas A&M University
11 in College Station, Texas. He was set to leave California for Texas on August 10, 2010. Plaintiff,
12 friends, and family members reserved the patio section behind the restaurant where they had a
13 private party.

14 17. At approximately 0100 hours, officers of the Ventura Police Department were dispatched
15 to the Candlelight Kitchen and Bar (CANDLELIGHT) for an incident that had occurred inside
16 the bar, unrelated to Plaintiff or his party. Officers ultimately cleared the bar and restaurant and
17 ushered the patrons outside to the parking lot. Plaintiff, and his party, were the last to be notified
18 that they had to clear the patio area and leave the premises.

19 18. Plaintiff, and members of his party, decided to walk down Santa Clara Street and get
20 pizza. When they were approximately 200 yards from the CANDLELIGHT plaintiff's sister
21 realized that she had forgotten her purse on the patio. Plaintiff did not want her walking alone
22 back to the CANDLELIGHT so he followed her for her safety.

23 19. When Plaintiff and his sister reached the parking lot of the CANDLELIGHT they were
24 confronted by several Hispanic males. One male began making sexual advances towards
25 Plaintiff's sister but he was quickly rebuffed. Plaintiff informed the males that they did not want
26 "any trouble" and just wanted to retrieve his sister's purse from inside the bar.
27
28

1 20. Plaintiff was then hit from behind by one of the Hispanic males and fell to the ground. As
2 soon as he hit the ground he was punched and kicked by the other males. The beating on the
3 ground took several seconds before the Hispanic males got off Plaintiff and fled the scene.

4 21. Plaintiff got to his feet as soon as the Hispanic males fled. As soon as he reached his feet,
5 Officer JACKSON armed himself with his metal baton and struck Plaintiff several times until he
6 fell to the ground again. JACKSON continued striking Plaintiff with his baton while Plaintiff
7 was on the ground. JACKSON struck Plaintiff on the legs and arms while Plaintiff covered his
8 face.

9 22. Plaintiff was writhing in pain and screaming that JACKSON had broken his arm.
10 JACKSON, seeing Plaintiff's injuries, immediately called 911. Plaintiff was transported by
11 ambulance to the Ventura County Medical Center.

12 23. At no point did Plaintiff pose a threat or brandish a weapon to the officers.

13 24. The above referenced acts or omissions were the proximate and legal cause of the injuries
14 to Plaintiff Gabriel Amaro and were the proximate and legal cause of his damages.

15 25. As a result of the beating, Plaintiff suffered general and special damages including, but
16 not limited to, pain, discomfort, bruising, anxiety, and he continues to suffer ongoing mental
17 anguish.

18 26. Plaintiff has fully complied with California Government Code Sections 910 *et seq.* by
19 filing claims with defendants and timely filing his lawsuit thereafter.

20 27. Defendants are alleged to have maintained or permitted official policies or customs or
21 practices causing or permitting the occurrence of the types of wrongs set forth herein below
22 knowingly, with gross negligence, or with deliberate indifference and, based on the principles set
23 forth in *Monell v. New York City Department of Social Services*, 436 U.S. 658 (1978), and *City*
24 *of Canton v. Harris*, 489 U.S. 378 (1989), are liable for all injuries sustained by Plaintiff as set
25 forth herein below. All governmental entities are liable for violations of state law under
26 California Government Code §815.2.
27
28

**FIRST CLAIM FOR RELIEF FOR VIOLATION OF 42 U.S.C. §1983
AGAINST DEFENDANT OFFICER JACKSON**

28. Plaintiff realleges paragraphs 1 through 27 as though set forth herein *verbatim*.

29. This action arises under 42 U.S.C. §§1983 and 1988, the United States Constitution and common law principles. By engaging in the conduct described hereinabove, Defendant JACKSON was acting under the color of state law as a police officer, and violated Plaintiff's civil rights afforded to him under the United States Constitution, including his right to be free from excessive and unreasonable force in violation of his rights protected under the Fourth Amendment.

30. As a direct and proximate result of Defendant JACKSONS' wrongful conduct described hereinabove, Plaintiff suffered physical and emotional injuries, including severe bruising, lacerations, abrasions and soft tissue injuries.

31. Plaintiff is informed and believes, and based thereon alleges that, in engaging in the conduct alleged herein, Defendant JACKSON:

- (a) acted with intent to injure, vex, annoy and harass Plaintiff, and
- (b) subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights with the intention on the part of the Defendant of thereby depriving Plaintiff of his liberty and legal rights and otherwise caused Plaintiff injury.

32. As a result of the foregoing, Plaintiff seeks exemplary and punitive damages against Defendant JACKSON as well as an award of reasonable attorney's fees and costs according to proof, pursuant to 42 U.S.C. §1988.

**SECOND CLAIM FOR RELIEF FOR VIOLATION OF 42 U.S.C. §1983
AGAINST DEFENDANTS CITY, VPD, AND DOES 1 – 10, INCLUSIVE, FOR
FAILURE TO TRAIN, INVESTIGATE OR SUPERVISE CAUSING
CONSTITUTIONAL VIOLATION AND CUSTOM CAUSING
CONSTITUTIONAL VIOLATION.**

33. Plaintiff realleges paragraphs 1 through 32 as though set forth herein *verbatim*.

1 34. Plaintiff is informed and believes and thereon alleges that Defendants CITY, DOES 1-10,
 2 and VPD knew, or in the exercise of reasonable care should have known of customs, policies and
 3 practices inimical to the free exercise and enjoyment of constitutional rights of its citizens.

4 35. Defendants CITY, VPD, and DOES 1-10, inclusive, at all times material herein tolerated
 5 or maintained the unconstitutional custom, policy or practice of:

6 a. Use of excessive force or violence, including but not limited to use of tactics and
 7 weapons in a reckless and unreasonable manner;

8 b. Writing false police reports and/or giving false testimony;

9 c. Derelict supervision of patrol or line officers;

10 d. Institutional pressure to conform false testimony, evidence or reports by all officers
 11 involved in an incident to protect one or more of them from criminal prosecution or
 12 administrative discipline aka "Code of Silence"; in particular, in cases involving the use of
 13 weapons upon unarmed suspects, it was a common practice to falsely claim that the force was
 14 justified because the arrestee was resisting arrest or attacking the officer.

15 e. Sham or deficient investigations of allegations of police misconduct designed to allow
 16 police misconduct to escape detection by superiors and/or superiors who guide or shape the
 17 investigation to support a result exonerating the subject or target officers;

18 f. Ratification of misconduct to avoid referral for criminal prosecution;

19 g. Planting evidence or withholding evidence to favor the involved officer(s)'s version of
 20 a disputed and complained of incident of police misconduct;

21 h. Public denial or minimization of rampant problems of dishonesty and brutality within
 22 the Ventura Police Department;

23 i. Failure to properly hire, train, supervise, discipline, terminate or otherwise take
 24 appropriate action with regard to persons who are or become unsuitable for police work.

25 36. As a proximate result of the foregoing unconstitutional municipal customs, policies
 26 and/or practices tolerated or maintained, plaintiff's civil rights were violated as aforesaid.

27 37. Plaintiff claims general and special damages according to proof as a proximate result
 28 thereof.

1 38. Plaintiff is informed and believes and thereupon alleges that Defendant JACKSON was
 2 the subject of prior complaints of allegations of similar conduct, had been the subject of
 3 administrative proceedings and had also been a defendant in federal and state courts wherein the
 4 plaintiff(s) alleged violations of their constitutional rights by the defendants in the course and
 5 scope of his employment as a VPD police officers and under color of law.

6 39. Notwithstanding this information and the history of VPD officers, including but not
 7 limited to Defendant JACKSON, Defendants CITY, VPD and DOES 1-10, inclusive failed to
 8 properly screen applicants and hired persons who were psychologically unfit for duty, who
 9 falsified evidence after a police use of excessive force, used unreasonable police tactics which
 10 lead to the unnecessary and unreasonable use of excessive force, and used unreasonable, out-of-
 11 policy or unconstitutional police tactics to investigate police use of force incidents. The failure to
 12 discipline the individual officers for their unconstitutional conduct and for violation of VPD's
 13 policy against unjustified use of force and falsifying facts and evidence in an investigation was a
 14 ratification of the wrongful conduct.

15 40. Defendants CITY, VPD and DOES 1-10, inclusive, have a custom or practice which
 16 rejects and ignores the prior misconduct of an officer in imposing discipline. As a result, the
 17 custom, practice, or policy results in the retention of officers such as Defendant JACKSON who
 18 has a propensity to use excessive force, falsify evidence, and violate VPD policy on the
 19 investigation of use of force incidents. This condones, ratifies, promotes, and perpetuates officer
 20 misconduct and the code of silence, which were moving forces in the violations of Plaintiff's
 21 constitutional rights.

22 **THIRD CLAIM FOR DAMAGES BY PLAINTIFF AGAINST**
 23 **DEFENDANTS JACKSON AND CITY FOR BATTERY.**

24 41. Plaintiff realleges paragraphs 1 thru 40 as though set forth herein *verbatim*.

25 42. Plaintiff has fully complied with California Government Code Sections 910 *et seq.* by
 26 timely filing claims with defendants and timely filing his lawsuit thereafter.

27 43. Plaintiff was battered by defendant JACKSON, which resulted in significant injury,
 28 including but not limited to extreme pain and suffering and mental anguish.

1 44. Pursuant to the doctrine of *respondeat superior*, Defendant CITY is liable for the
 2 misconduct of the individual defendant officer employee which was committed while he was
 3 acting in the course and scope of their employment pursuant to Cal. Gov't Code § 815.

4 45. Plaintiff claims general and special damages according to proof as a proximate result
 5 thereof.

6 **FOURTH CLAIM FOR DAMAGES BY PLAINTIFF AGAINST DEFENDANT**
 7 **JACKSON FOR NEGLIGENCE.**

8 46. Plaintiff realleges paragraphs 1 through 45 as though set forth herein *verbatim*.

9 47. Plaintiff was subjected to use of unnecessary force and arrest by JACKSON. He was
 10 negligent in the performance of his police officer tactics and duties and this negligence caused
 11 Plaintiff's injuries. JACKSON had a duty to comply and failed to comply with the above stated
 12 police tactics and duties. His conduct fell below the standard of care for reasonable police
 13 officers, and this breach of duty caused the injuries and damages alleged herein.

14 **FIFTH CLAIM FOR DAMAGES BY PLAINTIFF AGAINST DEFENDANTS**
 15 **CITY, VPD AND DOES 1-10, INCLUSIVE FOR NEGLIGENT HIRING.**

16 48. Plaintiff realleges paragraphs 1 through 47 as though set forth herein *verbatim*.

17 49. Defendants VPD and DOES 1-10, inclusive, acting within the course and scope of their
 18 employment with Defendant CITY, breached their duty to assure the competence of defendant
 19 JACKSON in hiring him, failed to exercise ordinary care under the circumstances herein alleged
 20 to evaluate and to assure the competent performance of his duties, and breached their duty of
 21 selecting, training, reviewing and periodically evaluating the competency of such police officers
 22 created an unreasonable risk of harm to persons such as Plaintiff.

23 50. As a direct and legal result of the aforesaid negligence, carelessness and unskillfulness of
 24 defendants, and each of them, Plaintiff was injured, and has suffered the damages as alleged
 25 above.

26 **SIXTH CLAIM FOR DAMAGES BY PLAINTIFF AGAINST ALL DEFENDANTS**
 27 **FOR VIOLATION OF CAL. CIVIL CODE § 52.1**

28 51. Plaintiff realleges paragraphs 1 through 50 as though set forth herein *verbatim*.

52. The aforesaid acts of defendants and each of them violated said plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution and the parallel provisions of Article I, Section 13 of the California Constitution, both of which proscribe unreasonable search and seizure by using excessive force against Plaintiff, which is remediable under California Civil Code Section 52.1.

53. Said acts were threatening, coercive and/or intimidating within the meaning of California Civil Code Section 52.1.

54. Plaintiff was caused injury, damage and harm in an amount according to proof due to the conduct of the defendants.

55. Defendants are liable to plaintiff for damages, exemplary and punitive damages, penalties and attorneys' fees as provided in California Civil Code Section 52.1(b).

DEMAND FOR JURY TRIAL

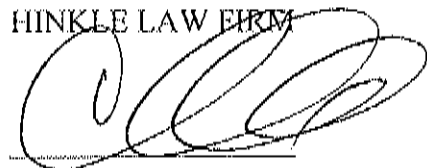
Plaintiff hereby demands a jury trial for all causes of action and issues which may be determined by jury.

PRAYER FOR RELIEF

1. For general damages according to proof;
2. For special damages, according to proof;
3. For prejudgment interest according to proof;
4. For reasonable attorneys' fees pursuant to 42 U.S.C. §§ 1983 and 1988, California Civil Code Section 52.1, and any other applicable provision;
5. For punitive damages *against the individual defendants only* pursuant to 42 U.S.C. §§ 1983 and 1988 and/or California Civil Code Section 3294, in an amount sufficient to deter and make an example of said defendants; and
6. For such further relief which is just and proper.

Dated: August 2, 2012

HINKLE LAW FIRM



L. CHRISTOPHER HINKLE
Attorney for Plaintiff, Gabriel Amaro

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself) Gabriel Amaro		DEFENDANTS The City of San Buenaventura, The San Buenaventura Police Department, Officer Eric Jackson, and Does 1-10, Inclusive	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) HINKLE LAW FIRM L. Christopher Hinkle (225302) 484 Mobil Ave., Ste. 17 Camarillo CA, 93010 (805) 437-1712		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <th style="width:30%;"></th> <th style="width:10%; text-align: center;">PTF</th> <th style="width:10%; text-align: center;">DEF</th> <th style="width:40%;"></th> <th style="width:10%; text-align: center;">PTF</th> <th style="width:10%; text-align: center;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 13</td> <td style="text-align: center;"><input type="checkbox"/> 13</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>					PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 13	<input type="checkbox"/> 13	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify): _____
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
 CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
42 U.S.C. Sect 1983 - Using excessive force in performance of duties

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 930 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainees <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV12-06735

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
VENTURA	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
VENTURA	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date 8/2/12

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935f(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

GABRIEL AMARO, an individual

CASE NUMBER

PLAINTIFF(S)

CV12-06735 VPJK

v.

THE CITY OF SAN BUENAVENTURA, THE SAN
BUENAVENTURA POLICE DEPARTMENT,
OFFICER ERIC JACKSON, AND DOES 1-10

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): *The City of San Buena Ventura, The San Buena Ventura
Police Department, OFFICER ERIC JACKSON, AND Does 1-10, Inclusive*
A lawsuit has been filed against you.

Within 24 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, L. Christopher Ninkle, whose address is 484 Mobil Ave. Ste 17 Camarillo, CA 93010. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

AUG - 6 2012

Dated: _____

Clerk, U.S. District Court

By: JULIE PRADO
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].